raises the very different question of comity. *In re Watts & Sachs* (1903) 190 U. S. 1; see 8 COLUMBIA LAW REVIEW 213. By the better view the court should have the power to order seizure or surrender of property claimed adversely, where there is great danger of the estate's being dissipated. Cf. *In re Haupt, supra; In re Young* (1901) 111 Fed. 158.

EXCLUSION OF EVIDENCE OF CHARACTER BASED ON PERSONAL KNOWLEDGE.—The decision in *Regina* v. *Rowton* (1865) Leigh & Cave 520, although due to a misunderstanding of an earlier case, 3 Wigmore, Evid. § 1981, has led to a reversal of the earlier practice of allowing a witness to speak from his own knowledge of a person's character. Peake, Evid. (2nd Am. Ed. 1803) 7; *Mawson* v. *Hartsink* (1802) 4 Esp. 102. Except that former acts of illicit intercourse with the defendant may be shown when the character of a prosecutrix in rape is put in issue on the question of consent, *Rogers* v. *State* (1876) 1 Tex. Ct. App. 187, the rule is at present almost universally laid down that when character comes in issue collaterally, as to furnish a presumption that the accused did not commit the crime in question, or that a witness is not speaking the truth, the only evidence admissible is that of reputation. *Knode* v. *Williamson* (1873) 17 Wall. 586; *Hirschman* v. *People* (1882) 101 Ill. 568 574; *State* v. *King* (1883) 78 Mo. 555; *Jackson* v. *State* (1885) 78 Ala. 471. This rule, which is upheld largely upon precedent, and without much attempt at justification, see Taylor Evid. 329, has been reaffirmed in the recent case of *People* v. *Van Gaasbeck* (N. Y. 1907) 82 N. E. 718. The term "general character," originally understood as distinguished from particular acts, *Mawson* v. *Hartsink, supra,* is now misleadingly used in the sense of "reputation," and as convertible with it. *Berneker* v. *State* (1894) 40 Neb. 810, 816; Wharton, Cr. Evid. § 58. The courts evidently conceive of general character as the estimation in which the person is held by the community. *Jackson* v. *State, supra; State* v. *King, supra.* But the question regularly asked of a witness to the credit of another witness, as to whether he would believe him under oath, *People* v. *Davis* (N. Y. 1839) 21 Wend. 309, 315; Peake Evid. (2nd Am. Ed.) 132, would seem rather to elicit testimony as to the witness's personal estimate, based on what he has heard in the community. And the questions asked of a witness to the character of a defendant would seem to give rise to the same kind of testimony, unless the witness were familiar with the technical legal meaning of the term "character." See *Keener* v. *State* (1855) 18 Ga. 194, 220. But under neither conception is this evidence free from the objections urged against testimony from personal knowledge of character, the principal of which objections is that it is opinion evidence. If this objection be tenable, reputation must be excluded as a mere aggregate of opinions, *State* v. *Lee* (1876) 22 Minn. 407, based at least in part upon hearsay, or as opinion based upon rumor and hearsay rather than upon knowledge of the actual facts. The probative force of reputation is rendered less by the fact that a person's actions vary at different places and under different circumstances. *Keener* v. *State, supra.* In *Comm.* v. *Webster* (Mass. 1850) 5 Cush. 295, 324, it is noted

that reputation is of little value in trials for great and atrocious crimes, inasmuch as they are generally committed when the person is acted upon by influences not frequently operating on the human mind, whereas reputation would be a guide only as to what the man would do under ordinary conditions. It would seem that the testimony of one who has observed a person's actions under various circumstances would furnish a safer and more accurate guide in the case of both greater and lesser crimes. The trial courts, recognizing the value of such evidence, rarely observe the strict rule closely. 3 Wigmore, Evid. § 1981.

Some confusion has arisen, *McQueen* v. *State* (1895) 108 Ala. 54; *Comm.* v. *O'Brien* (1876) 119 Mass. 342, 346, from failure to distinguish clearly between those cases where reputation is the actual issue, as in slander and libel, *Whitney* v. *Janesville Gazette* (1873) Fed. Cas. No. 17590, and in homicide when the reputation of the deceased bears upon notice to defendant under the issue of self-defense, *Marts* v. *State* (1875) 26 Oh. St. 162, and those cases where the evidence of reputation is offered only as proof of the actual character. *State* v. *Sterrett* (1885) 68 Ia. 76. Opinion based upon personal observation is admitted in the analogous cases of habit, *Baldwin* v. *West R. R. Corp.* (Mass. 1855) 4 Gray 333, character of animals, *Norris* v. *Warner* (1894) 59 Ill. App. 300; *Lynch* v. *Moore* (1891) 154 Mass. 335, and sanity, *Johnson* v. *State* (1901) 42 Tex. Cr. 618; *Ragland* v. *State* (1899) 125 Ala. 12, 27, and the courts of Iowa, *State* v. *Sterrett, supra,* Minnesota, *State* v. *Lee, supra,* and Ohio, *Gondolfo* v. *State* (1860) 11 Oh. St. 114, *Marts* v. *State, supra,* have refused to follow the prevalent rule, and have admitted evidence of character based upon personal knowledge. These rulings seem the better. Although reputation also has probative force, there seems no sound reason why evidence of character based upon personal knowledge should not be equally admissible.

Effect of Dissolution Upon the Real Property of a Corporation.—Just what happened at common law to the unsold real property of a dissolved corporation has never been authoritatively determined. It has usually been considered, following Coke's opinion, Co. Lit. 13b, that the grantor took by reverter, upon the implied condition that his grant was only for the life of the corporation, *Commercial Bank* v. *Lockwood's Adm'r.* (Del. 1832) 2 Harr. 8; *Fox* v. *Horah* (N. C. 1841) 1 Ired. 358; *Folger* v. *Chase* (1836) 18 Pick 63, 66; and this is still the law with respect to religious, *Mormon Church* v. *U. S.* (1889) 136 U. S. 1; *St. Philip's Church* v. *Zion Church* (1885) 23 S. C. 297, and charitable corporations, *Mott* v. *Danville Seminary* (1889) 129 Ill. 403, though limited, perhaps, to cases where there was no consideration for the grant. *McRoberts* v. *Moudy* (1885) 19 Mo. App. 26. One case, however, held that the land escheated to the lord of the manor, *Johnson* v. *Norway* (1623) Winch. 37; s. c. Co. Lit., Harg. note 71, and has been declared to represent the common law more accurately than Coke's doctrine. Gray, Perp. (2nd Ed.) §§ 44-51. See 2 Harv. L. R. 163. Whatever may once have been the true common law rule, it has long been superseded as to business corporations by statutes making the assets a so-called trust fund for